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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
28 February to 4 March and 7 and 9 March 2011

Open-ended working group to study the proper implementation of the Charter of the United Nations with respect to the functional relationship of its organs

Working paper presented by the delegation of the Bolivarian Republic of Venezuela

The Special Committee on the Charter is authorized by the General Assembly to foster, from a legal perspective, the strengthening of the role of the United Nations. This task necessarily implies protection attributions to preserve the principles and rules laid down in the Charter of the United Nations. This responsibility also implies that the Committee should safeguard the legal components and functional requirements of the principal organs of the Organization.

The Special Committee on the Charter, in accordance with its mandate, must guarantee the proper implementation of the legal provisions of the Charter of the United Nations, and, in particular, ensure appropriate institutional functioning and coordination among its principal organs. The improper exercise of powers and functions by a principal organ of the United Nations, to the detriment of another, alters the institutional framework established by the Charter of the United Nations.

In that regard, Article 10 of the Charter authorizes the General Assembly to "discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter". The Charter does not confer such authority on any other body. The General Assembly of the United Nations is the principal deliberative, policymaking, representative and supervisory organ of the United Nations, with an intergovernmental and democratic nature.

As part of the process of revitalizing the United Nations, the process of reforming the United Nations and the Security Council requires an increasingly strengthened role for the Special Committee on the Charter.

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In accordance with the functions conferred upon it by General Assembly resolution 3499 (XXX) of 15 December 1975, the Special Committee on the Charter should continuously study the delicate functional relationship between the different organs of the United Nations and in that regard the following is proposed:

1. An open-ended working group should be established for the ongoing review of all issues related to implementing and complying with the provisions of the Charter of the United Nations;

2. Member States should be urged to raise with the Special Committee on the Charter any issues related to implementing and complying with the provisions of the Charter of the United Nations, in particular any issues related to the functioning of the organs of the United Nations; and the Special Committee should address, as a separate item on its agenda, areas in which the functioning of the United Nations could be improved, including coordination among its organs, in order to improve the efficiency of the Organization, in accordance with the provisions of the Charter;

3. A report on the issues raised by Member States should be introduced at the start of sessions of the Special Committee on the Charter;

4. The open-ended working group shall study the aforementioned report with a view to making recommendations to the Special Committee on the Charter that would ensure improved functioning of the organs of the United Nations, including coordination among them, where relevant, in strict compliance with the Charter of the United Nations;

5. The Special Committee on the Charter shall include the aforementioned recommendations in the report on its work to be submitted to the General Assembly;

6. The Special Committee on the Charter shall examine the implementation of its recommendations to the General Assembly.

The present proposal seeks to ensure the proper implementation of the Charter of the United Nations and the appropriate discharge of the functions of each organ without detriment to the others, in order to guarantee the proper functioning of the Organization.